

<b>United States District Court</b>		District <u>MASS</u>
Name	<u>Coffman James</u>	Prisoner Case No.
		No. <u>450228 03-0228</u>
Place of Confinement	<u>Worcester Correctional Institution</u>	
Name of Petitioner	Name of Respondent	
(include name under which convicted)	(authorized person having custody of petitioner)	

James Coffman V. David Nolan  
 The Attorney General of the State of:

### PETITION

1. Name and location of court which entered the judgment of conviction under attack Worcester Superior Court

2. Date of judgment of conviction 3-91

5. What was your plea? (Check one)

- (a) Not guilty ☒
- (b) Guilty ☐
- (c) Nolo contendere ☐

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details: \_\_\_\_\_

6. If you pleaded not guilty, what kind of trial did you have? (Check one)

- (a) Jury ☒
- (b) Judge only ☐

7. Did you testify at the trial?

Yes ☐ No ☒

8. Did you appeal from the judgment of conviction?

Yes ☒ No ☐

9. If you did appeal, answer the following:

- (a) Name of court Worcester Superior Court
- (b) Result Denial
- (c) Date of result and citation, if known 4-3-91
- (d) Grounds raised Dont know

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

- (1) Name of court no
- (2) Result \_\_\_\_\_
- (3) Date of result and citation, if known no
- (4) Grounds raised no

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

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(1) Name of court Worfolk, Dedham Court(2) Result Denial(3) Date of result and citation, if known 3-4-04(4) Grounds raised Did not prove that they owed me good time.

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☒ No ☐

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court Worfolk Superior Court Dedham(2) Nature of proceeding Habeas corpus  
Denial of EC +(3) Grounds raised they won't credit me for good time that is owed and that good time will have me released

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☒ No ☐(5) Result Denial(6) Date of result 3-4-04

(b) As to any second petition, application or motion give the same information:

(1) Name of court Worcester(2) Nature of proceeding Writ(3) Grounds raised Writ

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒(5) Result Writ(6) Date of result Writ

(c) Did you appeal to the highest state court having juris-

## FEDERAL HABEAS CORPUS

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diction the result of action taken on any petition, application or motion?

- (1) First petition, etc. Yes ☒ No ☐  
 (2) Second petition, etc. Yes ☐ No ☐

(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not: \_\_\_\_\_

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the *facts* supporting each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, *you should raise in this petition all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

(a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.

(b) Conviction obtained by use of coerced confession.

(c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.

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(d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.

(e) Conviction obtained by a violation of the privilege against self-incrimination.

(f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.

(g) Conviction obtained by a violation of the protection against double jeopardy.

(h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.

(i) Denial of effective assistance of counsel.

(j) Denial of right of appeal.

A. Ground one: Because the defendant  
to the judge that we can only earn 2 1/2 day which is wrong  
 Supporting FACTS (state *briefly* without citing cases or  
 law) if your doing the cea which is the  
drug program you can earn up to 7 1/2 day  
a month which i earn but they did not  
credit me with all of it.

See forms attach to back. →

B. Ground two: \_\_\_\_\_

Supporting FACTS (state *briefly* without citing cases or  
 law): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

C. Ground three: \_\_\_\_\_

Supporting FACTS (state *briefly* without citing cases or  
 law): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

D. Ground four: \_\_\_\_\_

Supporting FACTS (state *briefly* without citing cases or  
 law): \_\_\_\_\_

\_\_\_\_\_

## FEDERAL HABEAS CORPUS

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13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state *briefly* what grounds were not so presented, and give your reasons for not presenting them: I didn't get to present my Exhibit Showing that I did a very  
thing good.

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes ☐ No ☒

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing Robert Casey

(b) At arraignment and plea Robert Casey

(c) At trial Robert Casey

(d) At sentencing Robert Casey

(e) On appeal John Coady

(f) In any post-conviction proceeding Coady

(g) On appeal from any adverse ruling in a post-conviction proceeding

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

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Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future: \_\_\_\_\_

(b) Give date and length of the above sentence: March 15, 1991  
7 to 9 / 9 to 15

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐ No ☒

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

James Coffman PROX  
Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

3-19-04  
(date)

James Coffman  
Signature of Petitioner

§ 107:2.1 Petitioner's memorandum of law in support of petition for writ of habeas corpus pursuant to 28 U.S.C.A. § 2254—state prisoner—federal—S.D. Ohio

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## I. INTRODUCTION

Petitioner [Petitioner's Name] asserts two principal arguments in support of her Petition for Writ of Habeas Corpus. First, Petitioner maintains that she was denied effective assistance of counsel by her trial counsel. Defense counsel had available to him significant evidence supporting an insanity

- 5.) The plaintiff is serving a sentence of 9 to 15 years at the MCI Cedar-Junction which was imposed by the Worcester County Superior Court on March 25, 1990. A copy of the Mittimus for the controlling sentence is attached to this complaint as Exhibit A.
- 6.) During plaintiff's sentence, plaintiff participated in work, education, counseling or other programs at Correctional institutions supervised by the defendant. A complete list of the dates plaintiff was confined in each correctional institution, including dates of participation in each program, is attached to this complaint as Exhibit B.
- 7.) Plaintiff has asked defendant to credit plaintiff with all good time deductions from plaintiff's sentence to which plaintiff is entitled pursuant to G.L. c. 127 sec. 129D, which total 235.0 days. Defendant, however, has only credited plaintiff with 322.0 days of earned good time deductions from sentence.
- 8.) Defendant's refusal to credit plaintiff with said earned good time deductions from sentence will result in the confinement of plaintiff past the end of plaintiff's sentence, thereby violating plaintiff's rights to due process of law under the Fourteenth Amendment to the United States Constitution; Articles 1, 10, and 12 of the Declaration of

DATES.	INST.	TYPE.W[ELP	MISSING EGT CREDITS
4.93.10/93	SHIRLMED	CRA.PROG	45.0
11/93	SHIRLEY	WORK	2.5
12/93.]1/94	SHIRLEY	AFTER CARE PROG	15.0
8/95.10/95	WALPOLE	WORK	7.5
6/96.7/96	WALPOLE	EDUC.RELEASE	5.0
9/97.5/98	NORFOLK	WORK/EDUC SMALL,ENG/SCHOOL	45.0
11/98	NORFOLK	WORK	2.5
12/98.5/99	NORFOLK	CRA PROG	45.0
6/99.7/99	NORFOLK	AFTERCARE.PROG	15.0
8/99.9/99	NORFOLK	WORK/EDUC/PROG.	22.5
11/99	NORFOLK	EDUC RELEASE	2.5
2/01	OCCC	GED	5.0
10/01.11/01	OCCC	GED	5.0
9/02	OCCC	GED/ WORK	5.0
7/03.12/03	WALPOLE	WORK	15.0
			<u>235.0</u> TOTAL

PLAINTIFF  
EXHIBIT

B

**Massachusetts Department of Correction  
Deduction from Sentence  
MCI CEDAR JUNCTION**

Report Date: 20031211 14:49:48  
Report Prepared By: Howard, Kathy  
Commitment #: COFFMAN, JAMES (W50228)  
Sentencing Unit: A  
Unit Effective Date: 19901220  
Report Period: 19900101 through 20031231

Period Ending	Prog Type	Program Name	Participation Dates	Inst Rating	Days Recommended	Days Granted
1996 0430	WORK	Institutional Employment		WAL S	2.5	2.5
Total for period ending 1996 0430 :					2.5	2.5
1996 0531	EDUC	EDUCATIONAL RELEASE		WAL S	2.5	2.5
WORK		Institutional Employment		WAL S	2.5	2.5
Total for period ending 1996 0531 :					5.0	5.0
1996 0630	EDUC	EDUCATIONAL RELEASE		WAL S	2.5	2.5
Total for period ending 1996 0630 :					2.5	2.5
1996 0731	EDUC	EDUCATIONAL RELEASE		WAL I	0.0	0.0
Total for period ending 1996 0731 :					0.0	0.0
1996 0831	EDUC	EDUCATIONAL RELEASE		WAL I	0.0	0.0
Total for period ending 1996 0831 :					0.0	0.0
1996 1130	WORK	Institutional Employment		WAL S	2.5	2.5
Total for period ending 1996 1130 :					2.5	2.5
1996 1231	WORK	Institutional Employment		WAL S	2.5	2.5
Total for period ending 1996 1231 :					2.5	2.5

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Period ending	Prog Type	Program Name	Participation Dates	Inst Rating	Days Recommended	Days Granted
1998 0630	WORK	Institutional Employment		NOR S	2.5	2.5
Total for period ending 1998 0630 :					2.5	2.5
1998 1231	EDUC	PROGRAM UNIT EDUCATION PARTICIPATION		NOR S	2.5	2.5
	WORK	Institutional Employment		NOR S	2.5	2.5
	WORK	PROGRAM UNIT WORK PARTICIPATION		NOR I	0.0	0.0
	PROG	PROGRAM UNIT PROGRAM PARTICIPATION		NOR S	2.5	2.5
Total for period ending 1998 1231 :					7.5	7.5
1999 0131	EDUC	PROGRAM UNIT EDUCATION PARTICIPATION		NOR S	2.5	2.5
	WORK	PROGRAM UNIT WORK PARTICIPATION		NOR I	0.0	0.0
	EDUC	EDUCATIONAL RELEASE		NOR I	0.0	0.0
	PROG	PROGRAM UNIT PROGRAM PARTICIPATION		NOR S	2.5	2.5
Total for period ending 1999 0131 :					5.0	5.0
1999 0228	EDUC	PROGRAM UNIT EDUCATION PARTICIPATION		NOR S	2.5	2.5
	PROG	PROGRAM UNIT PROGRAM PARTICIPATION		NOR S	2.5	2.5
	EDUC	EDUCATIONAL RELEASE		NOR I	0.0	0.0
	WORK	PROGRAM UNIT WORK PARTICIPATION		NOR S	2.5	2.5
Total for period ending 1999 0228 :					7.5	7.5

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Period Ending	Prog Type	Program Name	Participation Dates	Inst Rating	Days Recommended	Days Granted
1999 0331	EDUC	PROGRAM UNIT EDUCATION PARTICIPATION		NOR S	2.5	2.5
	EDUC	EDUCATIONAL RELEASE		NOR I	0.0	0.0
	WORK	PROGRAM UNIT WORK PARTICIPATION		NOR S	2.5	2.5
	PROG	PROGRAM UNIT PROGRAM PARTICIPATION		NOR S	2.5	2.5
Total for period ending 1999 0331 :					7.5	7.5
1999 0430	EDUC	PROGRAM UNIT EDUCATION PARTICIPATION		NOR S	2.5	2.5
	WORK	PROGRAM UNIT WORK PARTICIPATION		NOR S	2.5	2.5
	PROG	PROGRAM UNIT PROGRAM PARTICIPATION		NOR S	2.5	2.5
Total for period ending 1999 0430 :					7.5	7.5
1999 0531	EDUC	PROGRAM UNIT EDUCATION PARTICIPATION		NOR S	2.5	2.5
	PROG	PROGRAM UNIT PROGRAM PARTICIPATION		NOR S	2.5	2.5
	WORK	PROGRAM UNIT WORK PARTICIPATION		NOR S	2.5	2.5
Total for period ending 1999 0531 :					7.5	7.5
1999 0930	EDUC	EDUCATIONAL RELEASE		NOR S	2.5	2.5
	EDUC	EDUCATIONAL RELEASE		NOR I	0.0	0.0
Total for period ending 1999 0930 :					2.5	2.5
1999 1031	EDUC	EDUCATIONAL RELEASE		NOR S	2.5	2.5
Total for period ending 1999 1031 :					2.5	2.5

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Period	Prog	Type	Program Name	Participation Dates	Inst	Rating	Days	Days
ending							Recommended	Granted
9 1130	EDUC		EDUCATIONAL RELEASE		NOR	I	0.0	0.0
Total for period ending 1999 1130 :							0.0	0.0
2001 0228	EDUC		EDUCATIONAL RELEASE		OCC	I	0.0	0.0
Total for period ending 2001 0228 :							0.0	0.0
2001 0331	WORK		Institutional Employment		OCC	S	2.5	2.5
Total for period ending 2001 0331 :							2.5	2.5
2001 0430	WORK		Institutional Employment		OCC	S	2.5	2.5
Total for period ending 2001 0430 :							2.5	2.5
2001 0531	WORK		Institutional Employment		OCC	S	2.5	2.5
Total for period ending 2001 0531 :							2.5	2.5
2001 0630	WORK		Institutional Employment		OCC	S	2.5	2.5
Total for period ending 2001 0630 :							2.5	2.5
2001 0731	EDUC		EDUCATIONAL RELEASE		OCC	S	2.5	2.5
2001 0731	WORK		Institutional Employment		OCC	S	2.5	2.5
Total for period ending 2001 0731 :							5.0	5.0

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Period	Prog	Type	Program Name	Participation Dates	Inst	Rating	Days Recommended	Days Granted
2001 1031	EDUC		GENERAL EQUIVALENCY DIPLOMA		OCC	U	0.0	0.0
Total for period ending 2001 1031 :							0.0	0.0
2001 1130	EDUC		GENERAL EQUIVALENCY DIPLOMA		OCC	U	0.0	0.0
Total for period ending 2001 1130 :							0.0	0.0
2001 1231	WORK		Institutional Employment		OCC	S	2.5	2.5
Total for period ending 2001 1231 :							2.5	2.5
2002 0131	WORK		Institutional Employment		OCC	S	2.5	2.5
Total for period ending 2002 0131 :							2.5	2.5
2002 0228	WORK		Institutional Employment		OCC	S	2.5	2.5
Total for period ending 2002 0228 :							2.5	2.5
2002 0331	WORK		Institutional Employment		OCC	S	2.5	2.5
Total for period ending 2002 0331 :							2.5	2.5
2002 0430	WORK		Institutional Employment		OCC	S	2.5	2.5
Total for period ending 2002 0430 :							2.5	2.5
2002 0531	WORK		Institutional Employment		OCC	S	2.5	2.5
Total for period ending 2002 0531 :							2.5	2.5

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Period Ending	Prog Type	Program Name	Participation Dates	Inst	Rating	Days Recommended	Days Granted
2002 0831	WORK	Institutional Employment		OCC	S	2.5	2.5
<b>Total for period ending 2002 0831 :</b>						<b>2.5</b>	<b>2.5</b>
2002 0930	WORK	Institutional Employment		OCC	S	2.5	2.5
	EDUC	GENERAL EQUIVALENCY DIPLOMA		OCC	U	0.0	0.0
	WORK	Institutional Employment		OCC	S	2.5	0.0
<b>Total for period ending 2002 0930 :</b>						<b>5.0</b>	<b>2.5</b>
2002 1031	WORK	Institutional Employment		OCC	S	2.5	2.5
<b>Total for period ending 2002 1031 :</b>						<b>2.5</b>	<b>2.5</b>
2002 1130	WORK	Institutional Employment		OCC	S	2.5	2.5
<b>Total for period ending 2002 1130 :</b>						<b>2.5</b>	<b>2.5</b>
2002 1231	WORK	Institutional Employment		OCC	S	2.5	2.5
<b>Total for period ending 2002 1231 :</b>						<b>2.5</b>	<b>2.5</b>
2003 0131	WORK	Institutional Employment		OCC	S	2.5	2.5
<b>Total for period ending 2003 0131 :</b>						<b>2.5</b>	<b>2.5</b>
2003 0228	WORK	Institutional Employment		OCC	S	2.5	2.5
<b>Total for period ending 2003 0228 :</b>						<b>2.5</b>	<b>2.5</b>

# **certificate of attendance**

Awarded to

JAMES COFFMAN

WS0228

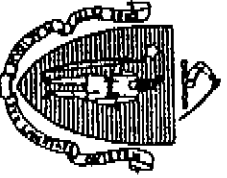
*for successfully completing the requirements of*

PHASE ONE OF THE SUBSTANCE ABUSE UNIT

ON SEPTEMBER 28 19 93

Director of Programs

*Carl H. [Signature]*



**The Commonwealth of Massachusetts**  
Massachusetts Correctional Institution

**Shirley**

# Certificate of Completion

~~Massachusetts~~ Department of Correction

*Spectrum*

HEALTH SYSTEMS, INC.

This is to certify that

James Coffman

has successfully completed the

**Correctional Recovery Academy**

on this 4th day of June 1999

Because we know that our lives matter, that we can be greater than our circumstances, that we can return good for harm, we therefore humble ourselves to learning. Our graduation is a true commencement -- let us begin anew.

*Michael J. Neri*

Director of Treatment

*John T. Carr*

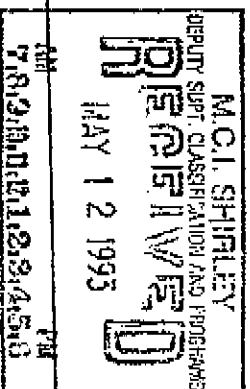
Academy Supervisor

# certificate of attendance

Awarded to JAMES COFFMAN W-50228

for successfully completing the requirements of the

SUBSTANCE ABUSE EDUCATION PROGRAM



on

19 93

Director of Programs

*Carl H. Hynes*



The Commonwealth of Massachusetts

Massachusetts Correctional Institution

Shirley